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5 UNITED STATES BANKRUPTCY COURT
6 EASTERN DISTRICT OF CALIFORNIA
7 SACRAMENTO DIVISION

8 In re:

9 DONALD GARY CAMPBELL and
ROSEMARY ALICE CAMPBELL,

10 Debtors.

Case No. 10-22529-A-1

DCN: SMD - 1

DATE: June 7, 2010

TIME: 9:00 A.M.

DEPT: A

COURTROOM: 28 (7th Floor)

11
12 TRUSTEE'S MOTION TO SELL PERSONAL PROPERTY OF THE ESTATE
13 [11 U.S.C. §363]

14 TO: THE HONORABLE MICHAEL S. MCMANUS, JUDGE, U. S. BANKRUPTCY COURT;
15 THE OFFICE OF THE U. S. TRUSTEE; THE ABOVE-CAPTIONED DEBTOR; AND,
THE DEBTOR'S ATTORNEY.

16 The undersigned, Susan M. Didriksen, the court appointed Chapter 7 Trustee (the "Trustee") in
17 the above-captioned Bankruptcy estate of Donald Gary Campbell and Rosemary Alice Campbell,
18 (the "Debtors"), hereby requests that this Court approve the sale of the Bankruptcy's Estate's interest
19 in a 2004 Subaru Outback (the "Motor Vehicle"), with approximately 62,000 miles on the odometer,
20 to the debtors for a total of \$9,764.06 cash. In support of this motion, the undersigned Trustee
respectfully represents the following:

21 1. The Debtors filed a voluntary Chapter 7 Bankruptcy Petition on February 2, 2010, and an
22 Order for Relief was entered thereon.

23 2. Susan M. Didriksen was appointed as the Interim Chapter 7 Trustee on or about February
24 2, 2010, and continues to serve in that capacity.

25 3. The Court has jurisdiction over the current motion under 28 U.S.C. sections 1334 and 11
26 U. S.C. section 522. This Motion is a core proceeding under 28 U.S.C. section 157(b)(2)(B) and (O).

1 4. The Debtors filed an amended Schedule B on March 26, 2010, and disclosed personal
2 property described as follows:

3 “2004 Subaru Outback (62k) value based on Edmunds.com Trade in Value”

4 (hereinafter referred to as the “Motor Vehicle”), having a disclosed market value
5 of \$6,511.

6 5. The Debtor’s amended Schedule “C” filed on March 26, 2010, claimed a monetary
7 exemption pertaining to the Motor Vehicle in the amount of \$9,097.00 pursuant to C.C.P.
8 §703.140(b)(5).

9 6. The Debtors’ amended Schedule D filed on March 26, 2010, disclosed no indebtedness
10 nor obligations secured by the Motor Vehicle.

11 7. The Debtors, through their attorney, Mr. Talvinder Bambhra, have presented an all-cash
12 offer in the amount of \$9,764.06 to purchase the aforementioned Motor Vehicle in an “as-is”
13 condition from the Bankruptcy Estate as follows:

	\$9,764.06	Debtors’ Offer to Purchase the Subject Personal Property
Less:	<u>9,097.00</u>	Credit for Debtors’ §703.140(b)(5) remaining exemption
	\$ 667.06	Net Purchase Amount to be tendered by the Debtors

14 8. The Debtors have already remitted \$667.06 in Cashier’s Check to the undersigned
15 Trustee for the purchase of the Motor Vehicle.

16 9. The undersigned Trustee believes that the immediate liquidation of the Subject Personal
17 Property is in the best interest of the Bankruptcy Estate. This proposed sale would also alleviate the
18 typical costs incurred with the sale of vehicles (i.e. smog check and smog certificate, auctioneer’s
19 commission, repairs, etc.) and any sales commission attendant to a sale. Therefore, the trustee
20 requests the approval from this Court to sell the aforementioned Motor Vehicle to the Debtors for the
21 amount of \$9,764.06, less a credit in the amount of \$9,097.00 representing the Debtors’ claimed
22 C.C.P. §703.140(b)(5) exemption, subject to any overbids tendered at the Court hearing.

23 10. At the Court hearing, the Trustee will request that the Court solicits overbids. The
24 Trustee further requests that overbids, if any, be submitted in minimum increments of \$200.00 from
25 qualified bidders who must contact the Trustee at least twenty-four hours prior to this hearing. Any
26 successful over bidder must remit the full amount of the cash selling price to the Trustee within
twenty-four hours after the Court hearing is concluded.

11. In the event that the Motor Vehicle is sold to a third party pursuant to an overbid tendered at the Court hearing, the undersigned Trustee requests authority to pay their monetary exemption on the amount of \$9,097.00 directly to the Debtors from the sales proceeds representing the Debtors' remaining §703.140(b)(5) exemption.

WHEREFORE, the undersigned Trustee respectfully requests that this Court: A.) Approve the sale of the aforementioned Motor Vehicle to the Debtors in the manner stated herein, B.) Provide authority for the Trustee to execute all documents necessary to complete the contemplated sale; C.) Provide authority for the Trustee to either pay or credit the exempted amount of \$9,097.00 directly to the Debtors from the sale of proceeds of the subject Motor Vehicle if sold to a third party; and, D.) Provide for such other relief as the Court deems appropriate.

Respectfully submitted,

Dated: May 10, 2010

/s/ Susan M. Didriksen
Susan M. Didriksen, Chapter 7 Trustee